8.6 LAND USE

This section provides a discussion of land use at and within the vicinity of the proposed Pico Power Project (PPP) and assesses the potential effects of PPP construction and operation on land use. Section 8.6.1 discusses the regional and local land use setting, focusing on land use within one mile of the project site and quarter mile of the project's linear facilities. It also discusses applicable land use plans/controls that apply to the project and presents a brief summary of future land use projections for the region. Section 8.6.2 discusses potential environmental effects as they relate to land use compatibility and development. Section 8.6.3 discusses cumulative impacts and Section 8.6.4 presents proposed mitigation measures for any impacts determined to be significant. Section 8.6.5 presents applicable laws, ordinances, regulations, and standards (LORS) related to land use, and Section 8.6.6 references agency contacts. Section 8.6.7 presents permit requirements and schedules, and Section 8.6.8 contains a list of references cited.

8.6.1 Affected Environment

8.6.1.1 Regional Setting

The project is located in the City of Santa Clara in Santa Clara County, which is situated in the South Bay subregion of the San Francisco Bay Area in California. Santa Clara County encompasses approximately 826,050 acres (California Department of Finance (CDOF) 1999). Incorporated cities in Santa Clara County include Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale.

The land use of Santa Clara County is diverse, with large urban centers such as San Jose and Santa Clara and large tracts of prime agricultural land, for example, in and around Gilroy and much of the southern portion of the county in unincorporated areas. Suburban areas dominate several of the cities, including Sunnyvale, Mountain View, Cupertino, Milpitas, Los Altos and Campbell. Rural, non-agricultural areas with a reputation for affluence include Monte Sereno and Los Altos Hills.

The population of San Jose dwarfs that of all the other cities of the county, at 918,800 in 2001. The second largest population is that of Sunnyvale at 134,000 (CDOF 2002). The least populated city is Monte Sereno, at 3,520. Santa Clara ranks third with a population of 104,600 (CDOF 2002). In the 1990s, the growth of the Silicon Valley area was very rapid; however, it has since slowed, and for 2001 was -0.8 percent (U.S. Census Bureau 2002).

In 1995, approximately 18 percent of Santa Clara County's land area was developed urban land (e.g. residential (13 percent) and commercial/industrial (5 percent), compared to 14.5 percent for the whole Bay Area (Association of Bay Area Governments [ABAG] 1997). Other prominent land uses in the region include the cultivation of prime agricultural lands, mostly in the southern part of the county, and open space uses on the shoreline of San Francisco Bay. Approximately 18 percent of the greater Bay Area is devoted to agricultural crops, with an additional 23 percent of the land serving as rangeland, mostly in the southern parts of Santa Clara County. In 2000, the total value of agricultural production in Santa Clara County was $300.9 million, which ranked the county as 33rd most productive in the nation. The top five crops, by value, were nursery crops ($161.6 million), mushrooms ($41.4 million), cut flowers ($15.6 million), wine grapes ($10.4 million), and bell peppers ($8.7 million) (California Farm Bureau Federation 2002).

A significant portion of the South Bay area is designated as open space. Approximately 41 percent of the County is forested or wetland area (ABAG 1997). The Don Edwards San Francisco Bay National Wildlife Refuge, administered by the U.S. Fish and Wildlife Service (USFWS), is located on the Bay's edge in the northern part of the County, but the County is otherwise nearly devoid of federally administered lands. Numerous community parks also contribute to the open space landscape.

8.6.1.2 Local Setting

Power Plant Site

The power plant site is located within the City of Santa Clara, in an established industrial belt defined by Highway 101 (Bayshore Freeway) to the north and the Southern Pacific/CalTrain rail line to the south (City of Santa Clara 1992c). The site is immediately adjacent to the northern boundary of Silicon Valley Power's Kifer Receiving Station (electrical substation), which is near the intersection of Lafayette Street and Central Expressway. The surrounding land uses for a one-mile radius are Heavy Industrial (MH), Light Industrial (ML), Planned Industrial (MP), Public or Quasi-public (B), Agricultural (A), Community Commercial (CC), Neighborhood Commercial (CN), Planned Development (PD), and Single Family Residential (R1-6L). Figure 8.6-1 shows current land uses, Figure 8.6-2 shows the General Plan designations, and Figure 8.6-3 shows the zoning districts within a mile of the project site. The street address for the site is 850 Duane Avenue and the two APNs are 224-36-047 and 224-08-140.

Among the nearby land uses are a Public Storage facility across Duane Avenue to the northeast, Qwest Communications equipment facility to the north, and Williams Communications equipment facility and Pacific Bell maintenance yards to the west. The above-mentioned SVP Kifer Receiving Station is immediately to the south, and there is an AllSafe Safe Storage facility across Lafayette Street to the east. Southwest of the intersection of Central Expressway and Lafayette Street is the very large Owens Corning fiberglass insulation manufacturing facility. Beyond these businesses lie a wide variety of office buildings and retail spaces, mostly in Class C (older office buildings, more conservative in architecture), a car dismantling operation, Route 101, and the San Jose International Airport, whose nearest runway is approximately 2,842 feet to the east (distance to runway measured at centerline).

The nearest conforming residential area is approximately 0.52 miles to the north on Haig Street, although there are other non-conforming residences such as trailers for night security guards in the industrial area. Aerial photos indicate that the area has been totally built-out for the entire one-mile radius around the project site. There are two City parks nearby: Montague Park, approximately 0.7 miles to the north, and Memorial Cross Park, 0.9 miles to the southeast.

Major surface roads within the vicinity of the proposed project include Route 101, Lafayette Street, Central Expressway, and San Tomas Expressway. Railroad facilities in the immediate area consist of a north-south portion of the Southern Pacific Railroad that is 0.2 miles away from the project site. Refer to Section 8.12 for further details regarding transportation facilities.

The nearest school to the project site is the Granada Islamic School on Scott Boulevard, approximately 0.48 miles to the west. The only other school within a one-mile radius of the project site is Montague Elementary, approximately 0.8 miles to the north across Route 101, adjacent to the above-mentioned Montague Park. The nearest college campus is that of Golden Gate University on Zanker Road in San Jose, approximately 1.7 miles to the northeast, also across Route 101 from the project site.

Figure 8.6-1. Land Use

Figure 8.6-1 can be found as a separate PDF file in this folder.

Figure 8.6-2. General Plan designations.

Figure 8.6-2 can be found as a separate PDF file in this folder.

Figure 8.6-3. Zoning designations

Figure 8.6-3 can be found as a separate PDF file in this folder.

Natural Gas Compressor Station

The natural gas compressor station will be located on a City-owned parcel at the northeastern corner of Comstock and Lafayette Streets. The lot contains a former fire station building, now used for office space, a paint booth, and storage building, a fenced area containing a foundation for electrical substation equipment that was removed in the 1970s, and a building formerly used as a police practice firing range. The substation equipment foundation will be removed prior to construction of the compressor station at that same location. This parcel is approximately 1.35 acres and its APN is 224-36-014. The facility will stay within the designated setbacks for this parcel and it will meet all landscape requirements. This parcel will also serve as a laydown area during construction of the PPP.

The natural gas feeder line from the compressor station to the PPP will be trenched westward under Lafayette Street directly into the PPP site.

Natural Gas Pipeline and Metering Station

A new natural gas pipeline to supply the PPP site will begin approximately two miles north of the project site at the PG&E main gas line located in Gianera Street. The project will involve construction of a new gas metering station just west of the Union Pacific Railroad tracks and south of the Hetch Hetchy aqueduct right-of-way. From the metering station, the pipeline route will head east approximately 200 feet, crossing under the Union Pacific Railroad tracks to Lafayette Street, then turning south. The pipeline will then proceed south in the right hand lane of Lafayette Street approximately 1.3 miles to the intersection of Lafayette Street and Aldo Avenue. At the Lafayette Street and Aldo Avenue intersection, the pipeline will cross under the Union Pacific Railroad and proceed south down the west side of Bassett Street to Route 101. The pipeline will then bore under Route 101 to Duane Avenue. The pipeline will follow Duane Avenue to the project site and then across Lafayette Street to the compressor station located on the northeast corner of Comstock and Lafayette Streets.

Land uses along the northern end of the pipeline include institutional, such as the San Francisco 49ers professional football team headquarters and training complex; public health uses at the former Agnews State Hospital grounds; single family residential dwellings; and commercial uses such as the large Sun Microsystem complex surrounding the former Agnews State Hospital. South of the Montague Expressway, the land uses change to industrial along the Lafayette Street corridor. A mix of light and heavy industrial uses also characterize the Bassett Street section of the pipeline route. Upon crossing Route 101 to Duane Avenue, the land uses continue to be mixed light and heavy industrial. The pipeline corridor is a built-out urban area with very few vacant or undeveloped lots.

Waste Water Discharge Pipeline

The waste water discharge pipeline will be installed in an existing Public Utility Easement (PUE) that runs from the PPP project site directly southward to the northern edge of Central Expressway where it will tie into the South Bay Regional Water Treatment Center 27-inch trunkline. The existing trunkline has the capacity to accommodate the discharge water from the PPP. The waste water discharge pipeline will be approximately 900 feet long and will be installed by boring under Comstock Street and the landscaped median strip that separates Comstock Street from Central Expressway.

The waste water discharge pipeline will be installed in the same area as the PPP and therefore the entire local setting description applies here as well.

8.6.1.3 Land Use Planning and Controls

The City of Santa Clara General Plan provides a general and comprehensive statement of land use policies that will guide future growth of the City. The City's ordinances, in contrast, provide a specific regulatory mechanism used by the City to implement its land use policy. Zoning ordinances give jurisdictional properties a zoning designation, which corresponds to a set of "permitted" and "conditional" uses. Each of the City's land use zones, or districts, are subject to specific development standards and restrictions. In addition to these basic land use policies, there may be regional land use controls, such as Airport Land Use Plans.

General Plan Designation and Zoning

Power Plant Site

The project is located within the City of Santa Clara and is therefore subject to the policies stipulated in the Santa Clara General Plan (City of Santa Clara 1992c). Specifically, the Land Use Element of the General Plan defines planning districts and establishes the descriptions, limits, and directions for growth.

The General Plan designation for the proposed project site is Heavy Industrial (City of Santa Clara 1992c). The Heavy Industrial designation is intended to provide the City with enough land area for the most intense industrial uses. According to the General Plan, these activities include "auto wrecking, concrete batching plants, [and] large warehouses" as well as hazardous chemical treatment or transfer points, and auto repair and storage yards, provided that all of these uses provide appropriate visual screening and off-street parking and are not of nuisance to any residential areas (City of Santa Clara 1992c). The building height for Heavy Industrial areas is 70 feet (does not include chimneys and mechanical appurtenances as indicated in Zoning Ordinance Section 32-1a)—this is addressed in more detail in the Santa Clara Zoning Ordinance section below. No maximum building coverage (maximum footprint) is stipulated by the General Plan for the Heavy Industrial designation, assuming that all other setback, parking, and landscaping requirements are met (City of Santa Clara 1992c).

The Santa Clara Zoning Ordinance (City of Santa Clara 1998) designates the proposed site as a Public/Quasi-public (B) zoning district. The B zoning district stipulates electrical power plants as a compatible land use. The City of Santa Clara Zoning Code would require a conditional use permit for a power plant to be constructed and operated. The conditional use permit, however, is subsumed under the CEC's power plant permitting authority under the Warren-Alquist Act. The CEC will request that the City provide proposed conditions of certification for the Pico project that the CEC will incorporate as conditions of certification in the Pico project license.

The power plant site is not located within any Specific Plan Area or Precise Plan Area, or within either of the two current Redevelopment area projects (City of Santa Clara 2002).

Natural Gas Compressor Station

The natural gas compressor station parcel is zoned Public/Quasi-public (B) on the southwestern corner, and Heavy Industrial ("MH") on the remainder of the lot. The General Plan designation for the site is also Heavy Industrial. The surrounding land uses and local setting is the same as for the power plant site.

Natural Gas Pipeline and Metering Station

The natural gas pipeline will be installed within Lafayette Street from Gianera Street to Aldo Avenue. The metering station is located adjacent to the interconnection point with PG&E Line 132 at Gianera Street and Wilcox Avenue within a pedestrian/bikeway that is located in a residential zone. North of Aldo Avenue, the City General Plan designates the adjoining properties starting in the north and travelling

south as follows: Single Family Detached Residential, Light Industrial, Heavy Industrial, and Office Commercial. The Basset Street portion of the pipeline has been designated by the General Plan as Light Industrial. The final portion near the power plant site and compressor station is designated Heavy Industrial.

Waste Water Discharge Pipeline

The waste water discharge pipeline falls entirely within the existing PUE and is therefore not subject to zoning or General Plan designations.

Other Applicable Land Use Plans

Santa Clara Airport Land Use Plan

The Santa Clara Airport Land Use Plan provides for orderly growth and development surrounding each airport in Santa Clara County. The Plan also ensures reduction of safety hazards and reduces public exposure to excessive noise associated with airports. This Plan is the fundamental tool for the Santa Clara County Airport Land Use Commission (ALUC) in fulfilling its purpose of promoting airport land use compatibility, and has been prepared to fulfill the requirements of the State Aeronautics Act (Public Utilities Code Section 21670 et seq.).

The Santa Clara County ALUC has limited authority in regards to existing land uses within the sphere of influence for the Airport Land Use Plan. The ALUC has no authority over existing land uses regardless of whether such land uses are compatible with airport activities and operations (Public Utility Code Sections 21670(a)(2) and 21674(a)). The Aeronautics Act does not define when in the land use planning and development process a proposed new land use effectively becomes an existing use. Also not addressed by the Aeronautics Act is the question of how much an existing land use can be modified without coming under the ALUC review authority.

The Airport Land Use Plan has set forth the following general policies to guide development within the area of influence for the plan:

- Local jurisdictions should encourage the conversion of land uses which are currently incompatible with the adopted ALUC Plan. It is recommended that those existing uses, whether publicly or privately operated, be converted to types of uses which are compatible with the plan, where economically feasible.
- Local jurisdictions shall refer proposed projects to the ALUC if those proposed projects fall within the referral boundaries that have been established around each of the public use airports.

The ALUC will request dedication of an air navigation (avigation) easement to the jurisdiction owning the airport as a condition of approval on any project located within an adopted referral area. All such easements restrict development height according to the provisions of FAR Part 77 or an alternate elevation approved by the Federal Aviation Administration (FAA).

San Jose International Airport Land Use Plan

The PPP falls within the San Jose International Airport Land Use Plan adopted by the ALUC. The Airport Land Use Plan provides for orderly growth of the area surrounding San Jose International Airport. The Plan regulates land use, building height, safety, and noise insulation within the areas adjacent to the San Jose International Airport. The ALUC has reviewed the Santa Clara General Plan and accompanying zoning ordinances and have found them to be consistent with the Airport Land Use Plan for San Jose International Airport (1992).

Regional Housing Allocation Plan

California Government Code Section 65584 (a) requires the Association of Bay Area Governments (ABAG) to prepare a Regional Housing Allocation Plan and to distribute the state-identified regional housing need allocation to each jurisdiction in the Bay Area Region, which includes the City of Santa Clara. The California State Housing and Community Development (HCD) Department is the state agency responsible for determining the San Francisco Bay Area region-wide share of the estimated statewide housing need for the period between 1999 and 2006. The state estimates the housing need for the region at 230,743 housing units (ABAG 2001). ABAG is required to distribute the HCD number to the various Bay Area Jurisdictions.

Historically, the City of Santa Clara has met the ABAG allocation of housing needs in the region. During the most recent five-year period, 2,561 dwelling units were constructed in Santa Clara, which was more than the ABAG-recommended number of 2,105. Continued employment growth in the City of Santa Clara is expected to result in a strong demand for housing. By 2005, the number of employees in the City is expected to increase approximately 21 percent. Much of this employment growth will occur in the moderate or lower income job sector in the City's service economy, including financial, insurance and real estate, office and employment support services, and over-the-counter retail and food sales.

State legislation requires that localities zone sufficient sites for residential use that are affordable to all economic segments and consistent with the needs identified in the local General Plan and Housing Element. The City has not historically interceded in the private marketplace to ensure that a proportional number of affordable housing units were constructed. A number of constraints to affordable housing have been identified, some of which are difficult to resolve. These include the noise impact of the San Jose Airport and the City's fixed boundaries.

Countywide Trails Master Plan

The County of Santa Clara has prepared a Countywide Trails Master Plan as part of the County General Plan. The Trails Master Plan provides a network of trails that connects the cities to one another, to the County's regional open space resources and public parks, and connects the northern and southern urbanized regions of Santa Clara County.

The intent of the plan's policies is to direct the County and cities to the following goals

- To build a realistic trail system that effectively meets the needs of the County residents
- To respect private property rights through due process in the detail planning and design of trails
- To provide responsible trail management; inform the trail user that the idea of "shared use" includes respecting adjacent land uses
- To accept responsibility for any liability arising from the public's use of County trails
- To implement trails involving private property only when the landowner is a willing participant in the process

The proposed site for the power plant is located between two regional trails. The Guadalupe Trail is located along the Guadalupe River approximately 0.7 miles to the east of the proposed project site, and the San Tomas Aquinas/Saratoga Creek Trail is located on San Tomas Expressway approximately 1.0 miles to the west of the proposed project site.

Short Range Transit Plan

The Short Range Transit Plan (SRTP) is a federally mandated planning document that describes the plans, programs, and goals of the transit operator. It has a 10-year planning horizon and is updated biennially by the Santa Clara Valley Transportation Authority (VTA). It focuses on the characteristics and capital needs of the existing system, and on committed (funded) expansion plans.

The SRTP serves as the primary justification for receipt of federal and state grants for transit operations and capital projects. The SRTP is prepared by VTA staff and is adopted by the VTA Board of Directors. The current SRTP was adopted in October 2001; the next complete update will occur in 2003.

Santa Clara Congestion Management Plan

On December 1, 1994, the VTA was designated as the Congestion Management Agency for Santa Clara County through a joint powers agreement entered into by the fifteen cities and the County of Santa Clara. The functions previously performed by the Congestion Management Agency are now performed by Congestion Management Program (CMP) staff within VTA. Policy and administrative decisions that affect the CMP are made by VTA's Board of Directors.

The Congestion Management Program Staff is responsible for preparing and implementing the County's statutorily mandated Congestion Management Program. The CMP, prepared every two years, sets performance standards for roadways, public transit, and other modes of transportation, and shows how local jurisdictions will meet those standards through a Capital Improvement Program, land use strategies, and other actions designed to reduce traffic congestion and improve air quality. Adoption of a CMP is necessary to qualify for certain transportation funds made available through the state gasoline tax increase authorized in 1990.

In odd-numbered calendar years, an updated CMP is prepared. Every year the elements of the CMP are monitored and CMP staff prepare a monitoring and conformance report. Under development is a policy to link local land use decision making to transportation funding through the Capital Improvement Program, which is a six-year program of capital funding designed to improve the transportation system and air quality in Santa Clara County.

Valley Transportation Plan (VTP 2020)

VTP 2020 is the countywide plan for transportation investment and service decisions for the next twenty years. It is the long-range multimodal transportation plan that will guide overall planning and programming efforts within Santa Clara County. The VTP 2020 incorporates the following strategies:

- Coordinating land use and transportation decision making.
- Determining how transportation funds should be spent.
- Upgrading and maintaining existing infrastructure.
- Implementing new technologies for managing transportation systems.
- Incorporating principles of environmental preservation into transportation decisions.

San Jose International Airport Master Plan

The Airport Master Plan serves as a long-range guide for airport development. The plan was adopted by the City of San Jose in December of 1999 and presents a conceptual long-term airport facility development plan along with technical and analytical data upon which the recommended plan is based. The Airport Master Plan is used by the airport operator and the FAA to identify and program specific facility improvements.

The Airport Master Plan is a tool for implementing the City of San Jose General Plan. The following goals have been established to achieve the aviation objectives of the region:

- To identify a phased program of specific airfield and landside facility improvements to accommodate, to the extent feasible, current and future demand for commercial air carrier services.
- To develop a land use and facility plan that designates the most efficient and productive aviation related use of all airport property in conformance with all applicable FAA standards.
- To balance future development with the mitigation of adverse aircraft noise and other environmental impacts.

The Airport Master Plan consists of a phased program of facility improvements designed to fully accommodate projected commercial aviation demand. These improvements include the reconstruction and extension of Runways 11-29 and 12R-30L to their maximum on-site length (from 4,419 feet to 11,050 feet and from 10,200 feet to 11,000 feet respectively), supported by numerous taxiway system improvements (City of San Jose 1999). As these two runways are extended, the safety zones in front of each will be extended. It is possible that future safety zones will overlap the proposed power plant site. If this takes place, however, the PPP would not be a hazard to airport safety or air navigation.

Santa Clara Redevelopment Plan

The Redevelopment Agency of the City of Santa Clara was created through City Council ordinance in 1957. It is legally and technically a state agency existing under the Community Redevelopment Law of the State of California. The Agency exists as a public body, separate and distinct from the City, and was established for the purpose of redevelopment of blighted areas of the state, identified by appropriate proceedings set forth in the Community Redevelopment Law.

Santa Clara has designated two areas for redevelopment: Bayshore North Project, and University Project. The Redevelopment Agency also administers a Low and Moderate Income Housing Fund. The Bayshore North Project is located just north of the PPP site across Route 101. The University Project was completed in 1988 and the Affordable Housing Program is a citywide program.

8.6.1.4 Future Land Use Trends

A considerable increase in South Bay area growth is expected over the next forty years with an expected population increase in Santa Clara County of 47 percent. Santa Clara County's population is expected to exceed two million people by 2025. In addition, ABAG expects that the Bay Area will add almost 1,180,000 jobs during the next 25 years. Santa Clara County will see the largest increase in jobs over ABAG's forecast period: approximately 303,500. Almost 132,000 of those jobs will be located in the San Jose Subregional Study Area. Increases in population and jobs will undoubtedly spur further residential development in Santa Clara and elsewhere in the County.

The Bay Area job and growth picture changed somewhat during 2001. Most analysts believe that the nation entered a recession in the second half of 2001 that has continued into 2002. The downturn in high technology industry has resulted in some vacant commercial and industrial space in Santa Clara.

However, the long-term prospects for the Bay Area's economy continue to be optimistic. While growth in the number of jobs between 2000 and 2005 is expected to be limited in most of the region, the long-term forecast shows significant growth. The region already has an unusually high concentration of

computer electronics, telecommunications, and computer software jobs. Added to that, the South Bay is one of the leading regions for biomedical research and development.

One of the effects of the growth in the Silicon Valley has been the increased cost of housing and resulting work force commuting longer distances in seeking affordable housing. The City of Santa Clara has addressed these job/housing balance issues in the update of the housing element of the General Plan (1992b). Recommendations have included:

- Promote a variety of housing types and tenure to maintain social and economic diversity in the City
- Conduct a periodic inventory of available land and holding capacity to determine if sufficient land exists to meet the needs of a range of household types and income levels
- Encourage the building of housing on appropriate vacant land (infill)
- Encourage higher-value, "executive-type," housing
- Existing single family neighborhoods will be protected from redevelopment proposals that could eliminate housing units and/or inflate housing prices
- Disperse affordable housing units throughout the City so as to not concentrate any such units in any one neighborhood

Within the last eighteen months (October 2001 through March 2002), the City of Santa Clara has conducted discretionary reviews and approved the following projects within close proximity of the PPP project site (pers. comm. Kevin Riley, Principal Planner, City of Santa Clara, June 29, 2002):

- 12-story, 171-room hotel located at 2875 Lakeside Drive (2.1 miles).
- 300,564 square foot automobile sales and service building located at 3041 Stevens Creek Boulevard (3.6 miles)
- 548-unit apartment complex located at 3751 Lick Mill Boulevard (1.4 miles to Lick Mill Blvd.).
- 30-acre research and development campus at 3333 Scott Boulevard (1.8 miles)
- 250,000-square-foot, seven-story hotel with over 150 rooms located at 805 Montague Expressway (0.9 miles to Montague Expressway)
- Nine-story, 225-room hotel located at 2451 Tasman Drive (2.3 miles)

8.6.2 Environmental Consequences

Potential impacts to land use are evaluated by comparing project characteristics with the regional and local land use environment. A summary of effects to land use and zoning designations within 1.0 mile of the power plant and within 0.25 miles of the project linear facilities is presented in Table 8.6-1.

8.6.2.1 Significance Criteria

Criteria used in determining whether project-related land use impacts are significant are consistent with standard industry practice and California Code of Regulations Title 14, SEC 15065. An impact is determined to be significant if it:

- Physically divides an established community.
- Conflicts with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local

coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect.

- Conflicts with any applicable habitat conservation plan or natural communities' conservation plan.

Table 8.6-1. General Plan/zoning amendment matrix.

Project Features	General Plan Designation	General Plan Amendment?	Zoning Designation	Rezone Required?	Other Requirements
Power Plant	Heavy Industrial	No	Public/Quasi-public	No	Building Permit
Natural gas pipeline	Heavy Industrial, Light Industrial, Office Commercial, Single Family Detached Residential	No	Not applicable to public utility easements for pipelines	No	Encroachment Permit
Compressor station	Heavy Industrial	No	Heavy Industrial	No	Building Permit
Water discharge pipeline	Heavy Industrial	No	Public/Quasi-public	No	Encroachment Permit
Recycled water supply pipe	Heavy Industrial	No	Public/Quasi-public	No	None

Parcel Consolidation

Since the PPP is located on nine individual and separate legal parcels, all under City ownership, SVP has filed a Property Acquisition Request with the City of Santa Clara Engineering Department to convert the separate parcels into three separate parcels through a parcel map allocation ("reversion to acreage" process). These three parcels will include: 1) the power plant site and Kifer Receiving Station, 2) the City maintenance yard at Lafayette and Comstock Streets (except for the gas compressor station site), and 3) the natural gas compressor station site at Lafayette and Comstock Streets. Although the City of Santa Clara owns all of these parcels, it is not permitted for buildings of any kind to cross parcel boundaries, regardless of ownership. A title search will be performed and the Parcel Map registration carried out through the Santa Clara Planning Division, and then a new parcel map will need to be filed with the County Records Office. This process is currently underway and will likely be completed in late 2002.

Right-of-Way Abandonment for Pico Way

A street right-of-way formerly known as Pico Way crosses the Pico power plant site. Pico Way was abandoned to public use when Duane Avenue was extended to the east to make an intersection with Lafayette Street. Pico way has not been legally abandoned as public right-of-way, however. The City of Santa Clara has begun proceedings to formally abandon Pico Way as a public right-of-way. This process involves a City Council resolution. Public notification is not required since the right-of-way has been abandoned to use for several years. The right-of-way abandonment and will be completed by the end of 2002.

Several utility easements run in this the former Pico Way right-of-way (see Figure 2.2-2a). These utility easements will remain and the project has been designed to avoid them. Pico Way is located just east of the planned location of the cooling towers and west of the operations building. These utilities include a 54-inch storm drain, 24-inch recycled water pipeline, 12-inch sanitary sewer line, 12-inch potable water line, three gas pipelines that are 6-inches in diameter, and one that is 4 inches in diameter. Land above these pipelines will be used for an access road, parking spaces, and parking for the mobile demineralized water system. An elevated pipe and cable tray bridge will traverse Pico Way between the power block and operations building.

ALUC Referral

The project site is located approximately 4,000 feet west of Runway 11 at the San Jose International Airport. The project site lies underneath the FAA 14 CFR Part 77 imaginary navigation surface known as the transitional surface, for runway 12R (Santa Clara ALUP 1992). The transitional surface for this type of runway extends upwards and perpendicular to the runway centerline at a slope of 7:1, beginning 500 feet either side of the runway centerline.

The Santa Clara County ALUC has made a consistency finding in the past with the City Zoning and General Plan for areas that include the project site (1992). The existing land uses including a utility substation and other Public/Quasi-public land uses has been determined by the Santa Clara ALUC to be consistent with the Airport Land Use Plan.

The PPP will require 95-foot-high exhaust stacks. Although at first glance, this appears to exceed City height standards, the Zoning Ordinance Section 32-1a exempts chimneys and other uninhabited appurtenances from the 70-foot structure height limit. Therefore, no height variance is needed. However, since the stacks are 95 feet tall, the City of Santa Clara has referred the proposed project to the Santa Clara County ALUC for a determination of consistency between the project and the San Jose International Airport Land Use Plan and Policies. This referral took place on July 19, 2002. On September 11 2002, the ALUC responded with an administrative finding of consistency with the Airport Land Use Plan and Policies (Appendix 8.6-A). The Santa Clara ALUC has requested that the City of Santa Clara grant the airport an avigation easement for the project location.

Affordable Housing

The proposed project site for the PPP is not suitable for residential housing because of the industrial character of the surrounding area and the proximity of the San Jose International Airport. Thus it is anticipated that the PPP will not impact the City of Santa Clara in meeting its future demand for housing and the regional allocation of housing needs.

Countywide Trails Master Plan

The San Tomas Aquinas/Saratoga Creek Trail allows for pedestrian traffic to be as close as 0.5 mile to the PPP site, and as such, the PPP could be considered a hindrance to the horizon view from the trail. However, because of the industrial character already existing in this area, the PPP will be barely visible or not visible from the trail, and will not cause any more of a visual disruption than is already present from this distance.

Short Range Transit Plan

The additional employees expected to occupy the proposed project site will not likely impact the future transit needs of the surrounding area or necessitate that the Short Range Transit Plan be revised.

Santa Clara Congestion Management Plan

The proposed power plant will be required to adhere to the CMP and reduce commute trips of all employees during construction and operation phases of the project. Trip reduction plans for the construction phase and operation phase will be coordinated with Santa Clara Valley Transit Authority to promote public transit use and ridesharing. In addition, the final plot plan for the ingress/egress of the project site will be coordinated with CMP staff.

Santa Clara Redevelopment Plan

The PPP project is consistent with the Redevelopment Agency strategy. Silicon Valley Power, as the electric department of the City of Santa Clara, has provided low electric rates, that have attracted industry to Santa Clara and enhanced redevelopment. The electronic industry is an important industrial sector in Santa Clara, in part because of the Redevelopment Agency and the low electricity rates offered by Silicon Valley Power.

8.6.2.2 Potential Effects on Land Use

This section discusses the general project effects on land use, followed by specific potential effects of each project element. As shown in Table 8.6-1, neither the project nor any of its associated facilities will require a General Plan amendment or a zoning re-designation. An encroachment permit or utility easement will be required from the City of Santa Clara for the natural gas pipeline route northwards from the PPP site.

Consistency with the General Plan and Zoning Ordinance

The proposed PPP is consistent with the goals and policies of the City of Santa Clara General Plan. The plant will provide a public service by providing Silicon Valley Power with the ability to produce a large percentage of its own power. The plant will be located within a zone that includes power plants as a permitted use, thereby maintaining consistency with the General Plan.

The PPP is consistent with the goals and policies stated in the General Plan's Land Use, Transportation, and Environmental Quality Elements, as noted below:

- The Land Use section of the General Plan identifies the need to consider future needs as well as to support public services. Since the technology sector of the economy has become virtually inextricable from the Santa Clara Valley, reliable and abundant generation of electric power is a necessity for the area.
- The Housing element of the General Plan requires that the City "maintain and enhance the character, quality and livability of residential areas." By locating the PPP in a traditionally industrial area, it will not pose any conflict of interest between industry and housing.
- The Environmental Quality element of the General Plan suggests that the City "conserve and improve the environmental quality of the City." By locating the proposed project in an established industrial area, it will not adversely affect the environmental quality of the City.
- The Public Facilities and Services element of the General Plan states that the City should make the efforts required to "provide and encourage… needed facilities and services that contribute to the City's… convenience [and] amenity." Silicon Valley Power strives to improve the status of the public electric utility by constructing and operating the Pico Power Project, thereby providing a convenience and added amenity to the residents of the City of Santa Clara.

- Although the Guadalupe River flows approximately 0.7 miles from the proposed project site, the site does not lie within the 100-year flood plain, as described by the Santa Clara General Plan Environmental Quality Element (1992a).

Power Plant Site and Gas Compressor Station

The proposed project site will not have a significant impact on the surrounding area under the CEQA thresholds presented above. The project will be located in an industrial area that is separated from the rest of the community, including residential developments found to the north. The nearest designated residential area is approximately 0.52 miles from the PPP property line. Since the project is industrial in nature and will be located in an industrial area, it is consistent with surrounding land uses and will not physically divide any elements of the local community. The project is sited in an area where the neighboring land uses are mostly light and heavy industrial, including the large Owens Corning fiberglass insulation manufacturing facility, the Silicon Valley Power Kifer Receiving Station, Pacific Bell, Williams Communications, Qwest Communications, and Public Storage.

The consistency requirements of the power plant site also apply to the compressor station, and given their close proximity to each other, their consistency with the General Plan and Zoning Ordinance are the same.

Natural Gas Pipeline and Metering Station

The proposed natural gas pipeline will be placed in Lafayette and Bassett Streets and Duane Avenue within the public utility easement set aside for such purposes. Since the pipeline will be buried, it will not directly or permanently affect surrounding land uses. Temporary, indirect impacts to nearby businesses will occur from the standard construction practices that may slow and/or re-route traffic. Pipeline construction will take six months or less. Affected areas will only experience short-term impacts because the pipeline will be constructed on a segment-by-segment basis.

Lafayette Street functions as a major arterial roadway within the City of Santa Clara and carries large volumes of traffic during peak hours. To reduce construction impacts, lane closings on Lafayette Street will be limited in terms of their timing and distance. That is, only small segments of the right-hand southbound lane will be closed on Lafayette at a given time. Once the pipeline is completed, there will be no impacts to local transportation patterns. Please refer to Section 8.12 for a detailed discussion of traffic and transportation impacts.

The City of Santa Clara's General Plan does not specifically address the regulation of underground utilities. Since local zoning regulations do not apply to street rights-of-way, the proposed natural gas pipeline will not conflict with local zoning regulations. The only permit required for construction of the gas pipeline will be an encroachment permit issued by the City of Santa Clara.

The metering station will be constructed within an existing bicycle/pedestrian walkway that connects Gianera Street and Wilcox Avenue with the Hetch Hetchy Aqueduct open space right-of-way to the north.

Waste Water Discharge Pipeline

There is no issue of consistency because the waste water discharge pipeline will placed in a public utility easement.

Consistency with the Airport Land Use Plan and Airport Master Plan

The Santa Clara ALUC has determined that the project is consistent with the Airport Land Use Plan and Airport Master Plan. The project will not cause a hazard within any of the San Jose International Airport's safety zones.

Part of the airport land use consistency review is a submittal to the Federal Aviation Administration (FAA) of Form 7460, Notice of Proposed Construction or Alteration. This review is required for all projects having structures higher than the imaginary 100:1 slope within 20,000 feet of an airport, such as the San Jose Airport, with at least one runway longer than 3200 feet. Analyses conducted in support of the FAA notification show that the project's tallest structures (the HRSG stacks), will not penetrate any of the FAA's imaginary air navigation hazard surfaces for the San Jose International Airport. The Applicant submitted Form 7460 to the FAA on July 3, 2002, and expects a response shortly (see also discussion below under Section 8.6.5.1). Appendix 8.6-B contains a detailed description of the air navigation hazard analysis.

8.6.3 Cumulative Impacts

The City of Santa Clara is experiencing nearly a total build-out condition, meaning that any new development is of infill or redevelopment nature. This is the case with the PPP—the land was not built on after PG&E gained control of it, and in the decades following its transfer to SVP, the land around it was developed into the largely industrial area it is today. Concerning land acquisition, there will be very few opportunities for the City of Santa Clara to build a power plant in the future. Since Santa Clara is already nearing total build-out status, the PPP will not induce any cumulative loss of land.

8.6.4 Proposed Mitigation Measures

No mitigation measures are necessary for land use compliance.

8.6.5 Applicable Laws, Ordinances, Regulations, and Standards

All applicable laws, ordinances, regulations, and standards and their conformance measures are detailed in the text below and summarized in Table 8.6-2. Table 8.6-3 presents the involved agencies and agency contacts. Table 8.6-4 summarizes the land use permit schedule

8.6.5.1 Federal

The Federal Aviation Administration Act and its implementing regulations (14 CFR 77) apply to any structure taller than 200 feet above ground surface at the site of the structure, within three nautical miles of the nearest runway. The PPP exhaust stacks will reach a height of only 95 feet, so they are exempt from review under this criterion. However, the FAA also requires that it be notified of any development with significant height to be built directly beneath any of the imaginary approach surfaces as designated under 14 CFR 77, as the PPP will be. In addition to notification, the applicant must allow sufficient time for the FAA to conduct a study of potential navigational obstructions and then to grant a clearance to the applicant.

The tallest structure on the site, the eastern HRSG stack, lies under the FAA transitional surface of the San Jose International Airport. This surface extends upwards from ground level at the end of the runway and parallel to the runway centerline at a slope of 7 to 1, beginning 500 feet from the centerline. Since the eastern PPP stack is located 1216 feet from the runway centerline, the height of the transitional surface at this point is 102 feet above the elevation at runway end ((1216-500)/7), which is 35 feet above sea level. Since the HRSG stack is 95 feet high, and the elevation at the stack is approximately 32 feet,

any structure lower than 105 feet at this location will not penetrate the FAA transitional surface for San Jose International Airport. See Appendix 8.6-B for a more detailed explanation of the analysis.

Silicon Valley Power submitted Form 7460 (Notice of Proposed Construction or Alteration) to the FAA on July 3, 2002, for their review (Appendix 8.6-B). The FAA determination is expected shortly.

Table 8.6-2. Laws, ordinances, regulations, and standards (LORS).

Jurisdiction	Authority	Applicability	AFC Section Where Conformance is Discussed
Federal	Federal Aviation Administration Act, 14 CFR 77	All new structures under approach surfaces must notify FAA prior to construction for FAA clearance	Section 8.6.5.1
State	CA Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470	Encroachment permit will be necessary for construction of portions of the natural gas and water and waste water discharge pipelines	Section 8.6.2.2
	CA Aeronautics Act	Aeronautics Act established ALUCs, which help to control land development around airports	Section 8.6.5.2
Local	Santa Clara General Plan	Development within the jurisdiction of the city is subject to provisions in the General Plan	Section 8.6.2.2

8.6.5.2 State

State LORS that apply to this project include:

Warren-Alquist Energy Resources Conservation and Development Act

Provisions in the Warren-Alquist Energy Resources Conservation and Development Act (Public Resources Code [PRC] 25000 et seq.) are directly and indirectly related to land use. The provisions state, among other things, that:

> *The following areas of the state shall not be approved as a site for an energy generating facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained: (a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division; and (b) Estuaries in an essentially natural and undeveloped state. In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural*

sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves. (PRC §25527)

The proposed project will conform to PRC §25527 because project lands are not located in such areas.

California Streets and Highways Code

Under the California Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470, an encroachment permit is required if there is an opening or excavation for any purpose in any county highway. The PPP will conform to Section 1460-1470 by obtaining an encroachment permit from the Santa Clara Public Works Department prior to natural gas pipeline construction.

California Aeronautics Act

The California Aeronautics Act, Public Utilities Code Section 21001 et seq., sets out requirements for Airport Land Use Commissions and authority to regulate land uses surrounding public use airports and the requirement of a comprehensive airport land use plan. The PPP will conform to the goals and policies of the Airport Land Use Plan for San Jose International Airport created pursuant to Public Utilities Code Section 21670 et seq.).

California Subdivision Map Act

In order to merge the lots associated with the PPP project site, the city must follow the Subdivision Map Act, Chapter 6, Article 1. Section 66499.12 authorizes the City Council authority to initiate merger/reversion proceedings by motion of the Council. Section 66499.5 requires the City Council hold a public hearing on the proposed merger. Notice of the hearing must be given in the time and manner provided in section 666451.3 of the California Government Code.

8.6.5.3 Local

Local LORS that will apply to the project include the following:

General Plan(s)

Land use provisions must be included in every California city and county General Plan (Government Code §65302). Local governments may also adopt plans for sub-areas such as communities and neighborhoods, and may adopt "special area plans" that detail implementation measures for an requiring concentrated planning attention (e.g., an historical district).

Since the project is located entirely within an industrial area and is consistent with the intended uses, plans, and policies of the Industrial land use designation, it will conform to the Santa Clara General Plan. The generation facility will be the only use visible after construction (because the pipeline will be buried under city streets). The project will not affect existing uses or opportunities in the areas designated Industrial because it will be located on land that is currently designated industrial by the general plan.

Zoning Ordinance

Zoning is the regulatory mechanism used to implement land use policy. Most city planning and building departments enforce zoning ordinances. The proposed project is subject to the Santa Clara Zoning Ordinance and will comply with it. Santa Clara zoning designations in the project area are shown on Figure 8.6-2. The project site is currently zoned Public/Quasi-Public, a use that allows a broad range of industrial activities. The City staff has offered its opinion that the PPP will be a permitted use in the Public/Quasi-Public District. The Santa Clara City Council, at their regular meeting on October 1, 2002, reviewed the AFC and PPP site and passed motion recommending that SVP file the AFC with the CEC.

8.6.6 Involved Agencies and Agency Contacts

Table 8.6-3 contains a list of agencies and contact persons.

Table 8.6-3. Agencies and contact persons.

Agency	Contact	Title	Telephone
City of Santa Clara	Darrell Mackie	Civil Engineer II	(408) 615-3045
Federal Aviation Administration	Ladonna James	Analyst	(310) 725-2677
Airport Land Use Commission	Derek Farmer	Planner, County of Santa Clara	(408) 299-5770
City of Santa Clara	Kevin Riley	Principal Planner	(408) 615-2450

8.6.7 Permits Required and Schedule

Table 8.6-4 outlines the permit schedule related to land use issues for the PPP. Information required to obtain each permit is also included.

Table 8.6-4. Permit/application schedule for land use.

Permit/Application	Schedule
• Encroachment Permit for boring under Route 101	30 days
• Form 7460 Navigation Obstruction Clearance	30 days
• Structural/Building Permit	30 days
• Plumbing Permit	30-60 days
• Electrical Permit	30-60 days
• Grading Permit	30-60 days
Encroachment permit for water and natural gas pipelines: • Site specific plan • Pipeline routes • Road rights-of-way where pipelines will be constructed	1 to 2 weeks from application submittal to approval by Public Works Department

8.6.8 References

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